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Tribal Communications/ Consultation Plan for the Columbia River Component of the River Corridor Baseline Risk Assessment Project

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Tribal Communications/ Consultation Plan for the Columbia River Component of the River Corridor Baseline Risk Assessment Project

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United States Department of Energy

P.O. Box 550, Richland, Washington 99352

TRIBAL COMMUNICATIONS/ CONSULTATION PLAN



FOR THE COLUMBIA RIVER COMPONENT OF THE RIVER CORRIDOR BASELINE RISK ASSESSMENT PROJECT

INTRODUCTION

Containing many natural foods, medicines, and places of religious and cultural importance, the Columbia River, as well as its shorelines and adjacent uplands, possesses high cultural value for the Native American community. Of the utmost importance to the Tribes, which include the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), Nez Perce Tribe, Wanapum, and the Yakama Nation, is their ability to safely use those resources in the future. As interim actions along the Columbia River Corridor come to a close and final actions must be determined, Tribal participation is a necessary and welcome element of the ongoing CERCLA activities to protect and evaluate the Columbia River Corridor.

Those activities include the performance of a baseline risk assessment, which is critical to making decisions regarding final CERCLA remedial actions. A baseline risk assessment, as defined here, evaluates both the current and potential threats to human health and the environment that may be posed by residual contaminants in the environment. In turn, the results of the assessment help frame remedial alternatives that may be required to reduce or eliminate the risks.

Within the Columbia River Corridor, DOE-RL has initiated several interrelated risk assessments. Shown in Figure 1, these integrated components—the 100-B/C Pilot Project Risk Assessment, the 100 Area and 300 Area Component of the RCBRA, and the Columbia River Component of the RCBRA—are collectively referred to as the River Corridor Baseline

The Washington State Department of Ecology (Ecology), the U.S. Environmental Protection Agency (EPA), and the U.S. Department of Energy, Richland Operations Office (DOE-RL), known as the Tri-Parties, work together at the Hanford Site to implement cleanup solutions in accordance with the *Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)*. In 1991, the Tri-Parties agreed that, instead of pursuing final remedial actions for the Hanford Site, they would pursue interim remedial actions, using a "bias for action" approach under CERCLA guidelines. In this approach, CERCLA actions for certain sites are allowed to begin early by relying on streamlined qualitative risk assessments, consistent with EPA guidance, to support actions in lieu of complete baseline risk assessments. The Tri-Parties documented their agreement to perform interim actions under CERCLA in the *Hanford Past-Practice Strategy*, and the use of this strategy expedited the remedial investigation/feasibility study process so remediation could begin in the 100 Area and 300 Area waste sites. An integrated risk assessment project, called the River Corridor Baseline Risk Assessment (RCBRA), is now under development to address the hazardous substances released from waste sites along the Columbia River Corridor.

Risk Assessment (RCBRA) Project. Although they are currently being addressed under separate documentation to reflect the unique characteristics of each evaluation, the final report for the Columbia

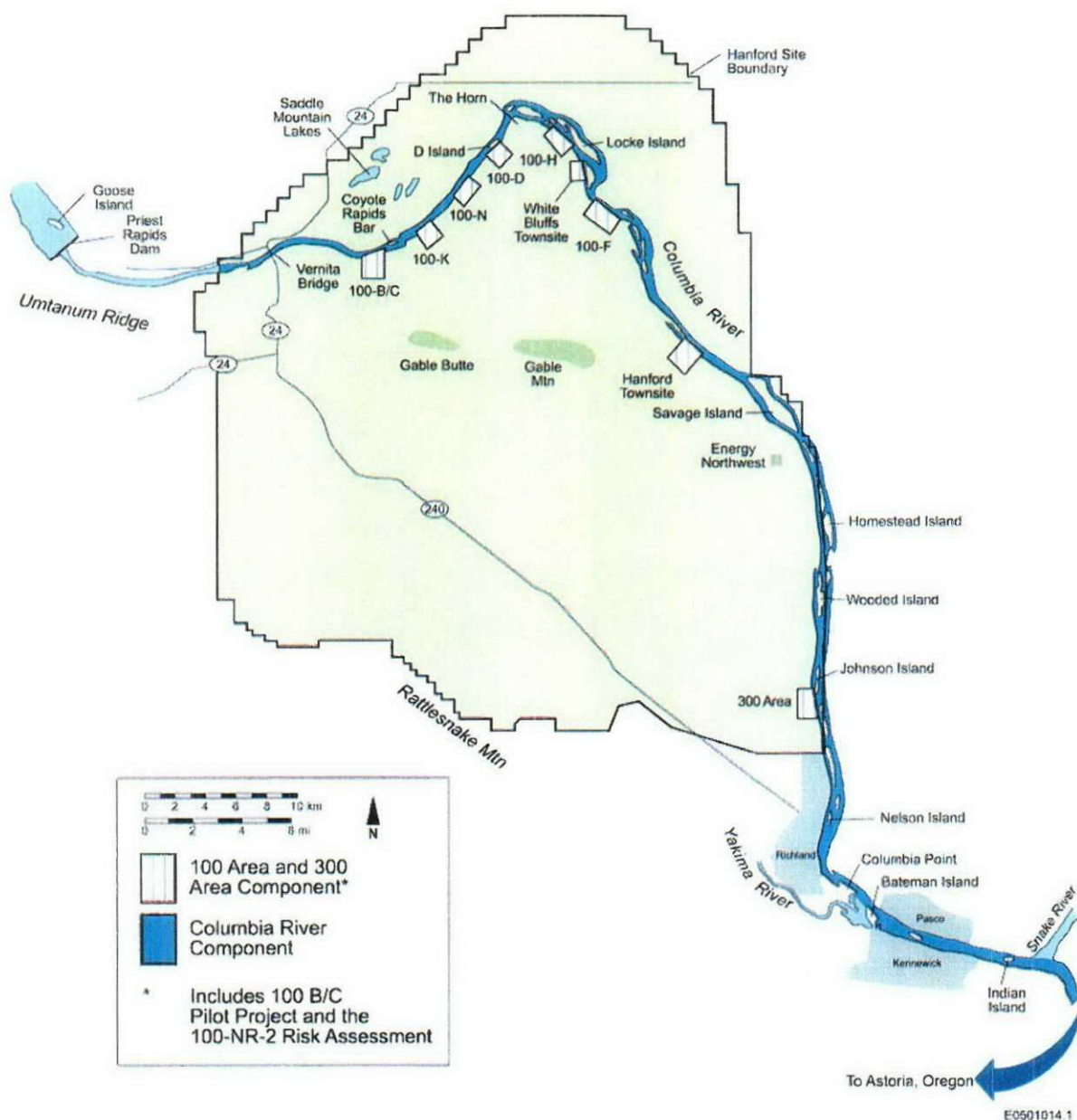


FIGURE 1. COMPONENTS OF THE RCBRA.

River Component of the RCBRA will incorporate the findings of the preceding assessments together with the findings pertaining to the Columbia River.

The *Columbia River Component of the River Corridor Baseline Risk Assessment: Basis and Assumptions on Project Scope* (DOE-RL 2004) defines the overall basis, approach, scope, and assumptions that will guide this component of the RCBRA project through completion. That

document, which serves primarily as an agreement between DOE-RL and its contractor to begin the risk assessment process, was provided to the CTUIR, the Nez Perce Tribe, the Wanapum, the Yakama Nation, the Natural Resources Trustee Council, and the Hanford Advisory Board during development to solicit their input and to begin the communications process. This Tribal Communications/Consultation Plan builds upon that overture by helping to define

continuing dialogue between the DOE-RL and the Tribes.

PROJECT OVERVIEW

The Columbia River Component of the RCBRA will follow the CERCLA risk assessment process to identify Hanford Site contaminants and associated risks within a defined study area along and within the Columbia River. The project will begin by taking a broad view of what constitutes the geographical scope of the river corridor in terms of its length and width, first casting a wide net to capture data, and then allowing those data to determine where the final study boundaries should be drawn.

Initially, existing data from the upstream jurisdictional boundary of the Hanford Site (west of Vernita Bridge) downstream to Astoria, OR, near the mouth of the Columbia River, will be evaluated and summarized. Similarly, the Columbia River Component will involve evaluations of data from reference locations above the Hanford Site boundary (for example, sediments behind the Priest Rapids Dam) as well as other potential sources to the Columbia River (for example, lower portions of the Yakima and Snake Rivers) to determine contributions from non-Hanford Site sources. Subsequently, this existing information will be compiled and analyzed to verify that it is both appropriate and adequate for use in making decisions during the project.

The analysis of the existing data, as well as any supplementary data provided by necessary additional characterization sampling, will then drive the establishment of the geographical boundaries of the study. For example, should data from downstream locations of the area show that concentrations of identified Hanford Site contaminants fall within accepted risk-based standards and/or meet other applicable water and sediment benchmarks, the downstream boundary of the characterization area will be moved upriver from Astoria. Accordingly, the downstream boundary of the characterization

area will be set at the farthest point at which Hanford Site contaminants exceed regulatory standards (for example, ambient water quality criteria) and other benchmarks (for example, sediment screening values). Once the boundaries have been set, the Columbia River Component of the RCBRA will consider multiple human and ecological exposure scenarios, including those developed by the Tribes, and evaluate whether or not risks are excessive without necessarily deciding whether a scenario represents a reasonably anticipated future land use.

PURPOSE

This Tribal Communications/Consultation Plan serves to extend the process currently directing the 100 Area and 300 Area Component communication and consultation approaches to the communication and consultation issues of the Columbia River Component. Developed through mutual agreement, this process is proving highly successful for the 100 Area and 300 Area Component, and will ensure appropriate consultation between DOE-RL and the affected Tribes in the development and performance of the Columbia River Component of the RCBRA Project as well. Meaningful consultation and participation in DOE-RL decision-making is a DOE commitment outlined in the *American Indian and Alaska Native Tribal Government Policy* (DOE 2000). As defined in that policy, consultation is an active endeavor “providing for mutually agreed protocols for timely communication, coordination, cooperation, and collaboration to determine the impact on traditional and cultural lifeways, natural resources, treaty and other federally reserved rights involving appropriate tribal officials and representatives throughout the decision-making process, including final decision-making and action implementation as allowed by law, consistent with a government to government relationship” (DOE 2000:2-3).

To be “meaningful,” consultation must take place “prior to taking any actions with potential impacts” (DOE 2000:3). Moreover, DOE recognizes “the

right of each Indian nation to set its own priorities and goals in developing, protecting, and managing its natural and cultural resources” (DOE 2000:6), and each Tribe has reason to expect that their involvement will be tailored to their independent concerns.

■ PROCESS

A “structured process” for the RCBRA communications/consultation encompasses multiple elements:

- ▶ Mutually agreed upon protocols
- ▶ Involvement of appropriate Tribal, DOE, and DOE-RL officials
- ▶ Timely collaboration throughout the decision-making process
- ▶ Participation in action implementation
- ▶ Periodic effectiveness reviews.

Key to this process is the recognition that while “communication” can take place on multiple levels, “consultation” must take place on a government-to-government level. The procedures established under this Tribal Communication/Consultation Plan are meant to reflect the objectives of the DOE Policy by identifying those points of interaction between DOE-RL and the Tribes whereby the Tribes become participants in the Columbia River Component at times and levels of their choosing. The following sections of this Tribal Communication/Consultation Plan establish the documents to be developed, the schedule under which the project will be conducted, the roles of DOE-RL and the Tribes, and communication protocols.

DOCUMENTS TO BE DEVELOPED FOR THE COLUMBIA RIVER COMPONENT OF THE RCBRA

Descriptions of the key documents that will be generated during the performance of the Columbia River Component of the RCBRA are presented below, and Figure 2 illustrates the sequence for their

development. Each of these CERCLA documents presents an opportunity for communication, collaboration, and consultation with the Native American community.

Tribal Communication/Consultation Plan

The Tribal Communication/Consultation Plan is the “structured process” that will guide communication and dialogue between DOE-RL and the Tribes throughout the Columbia River Component Risk Assessment Project.

Work Plan

The Work Plan is the main scoping document for the Columbia River Component of the RCBRA Project. Once existing information (site conditions, contaminants, and potentially exposed ecological and human receptors) has been collected, the Work Plan will propose the preliminary approach to the assessment process. The first step in drafting this document involves creating an “Approach/Annotated Outline” that identifies and briefly describes information anticipated to be presented in the Work Plan. After this Outline has been presented, Tribal reviewers will have the opportunity to suggest changes and indicate which sections they would like to review in early draft stages. When drafts of all the sections are complete, the entire draft Work Plan will be made available for review.

Data Quality Objectives (DQO) Report

The DQO Report identifies the information required to make project decisions; for example, it helps determine what information is necessary to identify significant risks to potential ecological and human receptors. The DQO process then determines whether existing data offers an adequate basis for making those decisions, and if not, what new data should be collected. During the development of the DQO, interviews and workshops conducted with Tribal representatives are an integral part of identifying relevant issues, the type of information necessary, and data gaps.

Native American Use Scenarios

Unlike other documents to be developed for this project, each Tribe will develop Native American Use Scenarios to reflect their specific interests and concerns regarding future use of the River Corridor and its resources. These use scenarios may be developed in cooperation with DOE-RL and its contractors, or independently by the Tribes. In either event, the Native American Use Scenarios supply key input into both the Sampling and Analysis Plan and the Risk Assessment/Remedial Investigation Report, and therefore need to be completed before the completion of the DQO.

Sampling and Analysis Plan (SAP)

In the event that the DQO Report concludes that more information is needed for project decision-making, then a SAP will be developed to guide the collection of additional data. This plan will specify what additional data are needed, where the data will be collected, and which standards and procedures the data must meet to be considered suitable for use in the decision-making process.

Risk Assessment Report

The Risk Assessment uses the data gathered during the implementation of the SAP to assess the risks to humans and the environment based on specific scenarios. The Risk Assessment may stand alone as an individual report or be incorporated as part of a comprehensive Remedial Investigation Report, which summarizes the site conditions and characterization activities as well as the assessed risks. The Remedial Investigation Report evaluates the identified risks and determines whether they are acceptable.

PROJECT SCHEDULE

A prescribed schedule for the input for, development of, and review of documents and activities associated with the Columbia River Component is fundamental to effective communication between the Tribes and DOE-RL. Table 1 presents the schedule as it

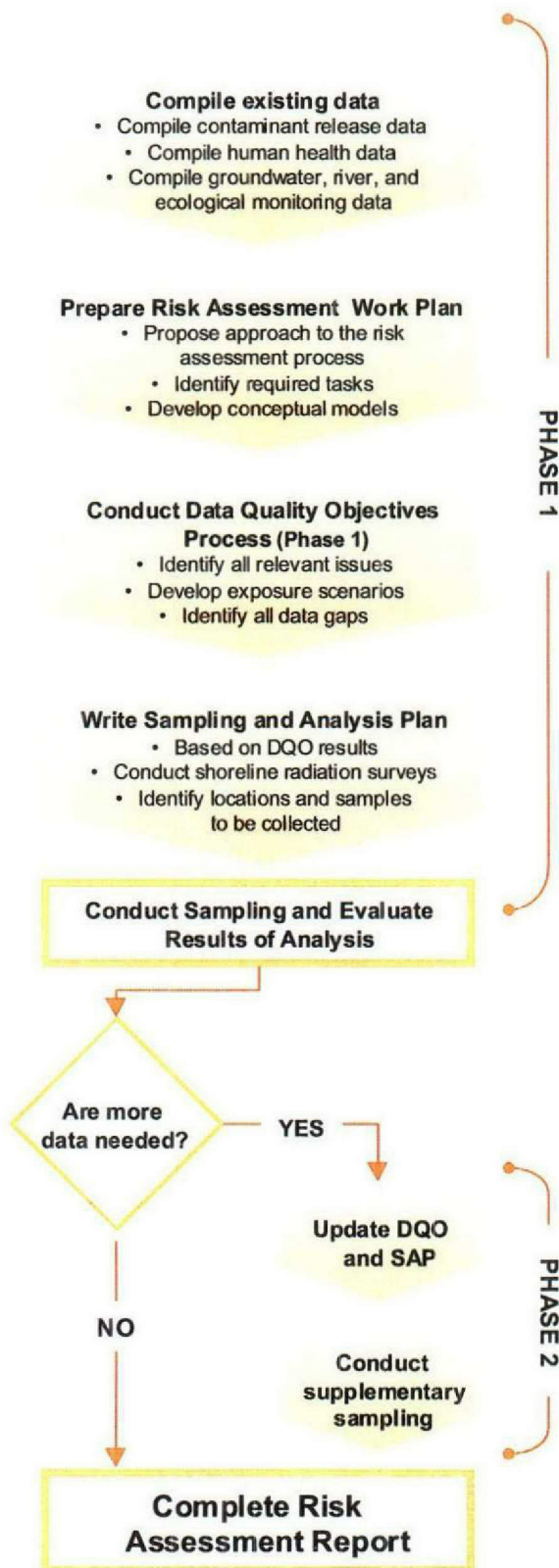


FIGURE 2. SEQUENCE FOR DOCUMENT DEVELOPMENT.

currently exists. The level of detail included within this schedule is intended to indicate DOE-RL's general approach for conducting the risk assessment process, and allow the Tribes an early opportunity to

plan their participation. Advance notices of meetings and workshops will be sent at least seven days prior to the date on which the meeting or workshop will be held.

TABLE 1. SCHEDULE OF DOCUMENT DEVELOPMENT AND REVIEW.

Document	Activity	Start Date	End Date
RCBRA Columbia River Component Work Plan	Review Annotated Outline	December 6, 2004	December 10, 2004
	Review Drafts of Individual Sections	As available - January 10, 2005	May 6, 2005
	Review Draft A	June 21, 2005	August 26, 2005
	Issue Final (Rev. 0)	September 20, 2005	
RCBRA Compile Existing Data	Workshop on Compilation, Evaluation, and Formatting of Existing Data	December 13, 2004	December 14, 2004
	Monthly Update Meetings (TBD)	January 2005	August 2005
	Workshops to Present Results of Compilation and Evaluation Effort (TBD)	September 12, 2005	September 23, 2005
	Review Draft A Existing Data Report	December 9, 2005	December 22, 2005
	Issue Final (Rev. 0)	January 16, 2006	
RCBRA Columbia River Component DQO	Interviews with Trustee Representatives	January 16, 2006	January 25, 2006
	Compile Scenarios (including Tribal Scenarios)		February 3, 2006 (last date)
	Workshops to Discuss "Issues Matrix"	February 16, 2006	February 24, 2006
	DQO Workshop 1 – Conceptual Model	February 21, 2006	
	DQO Workshop 2 – Working Draft DQO Report	March 6, 2006	
	DQO Workshop 3 – Draft A DQO Report	March 15, 2006	
	Review Draft A DQO	March 15, 2006	March 24, 2006
	Issue Final (Rev. 0)	April 17, 2006	
RCBRA Columbia River Component SAP	Review Draft A SAP	June 23, 2006	August 8, 2006
	Issue Final (Rev. 0)	September 5, 2006	
	Obtain Plant, Animal, Water, Soil Samples - Round 1 (On Site)	TBD 2006	
Update DQO and SAP	Address Data Gaps from Round 1	TBD 2007	
	Obtain Plant, Animal, Water, Soil Samples - Round 2 (Off Site)	TBD 2007	
RCBRA Columbia River Component Risk Assessment/ Remedial Investigation Report		TBD 2009	

ROLES AND EXPECTATIONS

The hallmark of a good "communications" plan is the clarity with which both the objectives of the plan and the roles of the participants are stated. The objectives of the Columbia River Component of the RCBRA are

to examine existing data, collect additional data as necessary, and produce a scientifically sound and comprehensive risk assessment that will result in decisions that are protective of human health and the environment. The objective of the Tribal

Communication/Consultation Plan is to establish the protocols under which DOE-RL and the Tribes will work together to meet the project objectives.

DOE-RL will take the lead in developing the Work Plan, DQO, and SAP, with Tribal participation in their development afforded through informal communications (such as e-mails and phone calls), interviews, meetings, or workshops as appropriate. Each Tribe will take the lead in developing a Native American Use Scenario based on their specific interests and anticipated land uses. DOE-RL and the Tribes will work together to incorporate these scenarios into the Risk Assessment/Remedial Investigation Report. Both DOE-RL and the Tribes share the expectation that their mutual participation will be timely, constructive, and focused on the project scope and objectives.

COMMUNICATION / COLLABORATION PROTOCOL

Communication with Individuals (Technical Level)

DOE-RL and the Tribes should maintain a continuing dialogue and collaborative working relationship throughout the performance of the Columbia River Component of the RCBRA Project. To this end, regular contacts through e-mails and phone calls will

POINT OF CONTACT (POC)

POCs for the Columbia River Component have been established for each of the involved entities:

CTUIR	Armand Minthorn, Stuart Harris, Ted Repasky, Tom Bailor, Barb Harper
Nez Perce	Pat Sobotta, John Stanfill, Gabe Bohnee, Vera Sonneck
Wanapum	Rex Buck, Jr., Lenora Seelatsee
Yakama Nation	Russell Jim, Wade Riggsbee, Jay McConnaughey, Brian Barry
DOE-RL	Leif Erickson, John Sands, Kevin Clarke, Annabelle Rodriguez

serve to keep all parties informed, engaged, and working together. This form of communication is intended primarily for DOE-RL Project Managers, contractors, and Tribal technical level staff on an individual Tribal basis.

Communication with Groups (Technical or Policy Level)

As noted in the schedule, representatives of DOE-RL and each of the Tribes will have the opportunity to discuss certain documents in meetings and workshops to allow for group discussion and feedback. Issues may also arise during informal discussions that could require or benefit from a more structured setting. In these cases, specific meetings and workshops could be held at either the technical and/or policy level (depending on the issues and Tribal preference).

Inter-Tribal Communication (Technical or Policy Level)

Tribal participants may determine that inter-Tribal discussions may be beneficial in reaching a better understanding of documents under review, sharing technical staff capabilities, identifying issues that require policy-level discussion, or for other reasons that arise as the Columbia River Component proceeds. The Tribal points of contact (POCs) will be responsible for initiating and coordinating these discussions.

Consultation (Policy Level)

Following informal and/or structured communication conducted in the development of documents or resolution of technical issues, DOE-RL senior management will transmit the final documents to the Tribes. At this point, review or discussion of these documents or continued discussion of issues may be conducted on a government-to-government (i.e., policy) level if requested or considered appropriate by either DOE-RL or a Tribe. Policy level consultations also may take place whenever a Tribe believes discussion at this level is warranted.

DOE-RL believes that flexibility is critical to the success of communications. To that end, DOE-RL and each Tribe have developed specific communication/contact protocols identifying, among other items:

- (1) The points at which discussions may be elevated from the technical/staff level to the policy/management level
- (2) The process by which that elevation is made
- (3) The manner in which DOE-RL is involved in and notified of the results.

While the individual Tribal contact protocols are not a part of the public record, this Tribal Communication/Consultation Plan is published as the common agreement reached with the Tribes.

■ REFERENCES

Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601, et seq.

DOE, 2000, *U.S. Department of Energy American Indian and Alaska Native Tribal Government Policy*, U.S. Department of Energy, Office of

Congressional and Intergovernmental Affairs, Washington, D.C.

DOE-RL, 2004, *Columbia River Component of the River Corridor Baseline Risk Assessment: Basis and Assumptions on Project Scope*, DOE/RL-2004-49, Rev. 0, U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE-RL, 1991, *Hanford Past-Practice Strategy*, DOE/RL-91-40, Rev 0., U.S. Department of Energy, Richland Operations Office, Richland, Washington.

Ecology, EPA, and DOE, 1998, *Hanford Federal Facility Agreement and Consent Order*, 2 volumes, as amended, Ecology Washington State Department of, U.S. Environmental Protection Agency, and U.S. Department of Energy, Olympia, Washington.